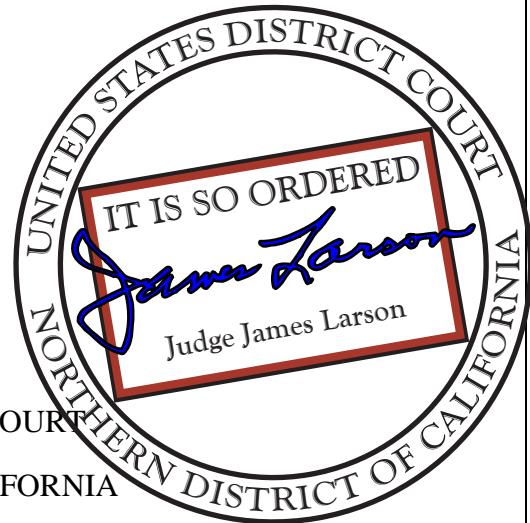


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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



AIRPORT BUSINESS CENTER, a California limited liability partnership,

Plaintiff,

vs.

CONSTELLATION WINES U.S., INC., a New York corporation,

Defendant.

CONSTELLATION WINES U.S., INC., a New York corporation,

Counter-Claimant.

vs.

AIRPORT BUSINESS CENTER, a California limited liability partnership,

Respondent,

Case No. C10-03236 JL

STIPULATION OF DISMISSAL WITH PREJUDICE - FEDERAL RULES OF CIVIL PROCEDURE RULE 41(a)(1)

IT IS HEREBY STIPULATED AND AGREED, pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1), by and between plaintiff and counter-defendant AIRPORT BUSINESS CENTER ("Plaintiff") and defendant and counter-claimant CONSTELLATION WINES U.S., INC. ("Defendant"), as follows:

1. This action was commenced on July 23, 2010 in the United States District Court,
2 Northern District of California, Case No. C 10-03236 JL;

3. The action is not a class action, a receiver has not been appointed, and the action is not
4 governed by any statute of the United States that requires an order of the court for dismissal;

5. Plaintiff and Defendant have settled their dispute and each party has agreed to be
6 responsible for its own legal costs and attorneys' fees incurred in connection with or in any way
7 arising from this action, subject to terms of the parties' settlement agreement; and

8. The action is hereby dismissed, in its entirety, with prejudice.

9
10 DATED: October 26, 2010

MILLER STARR REGALIA

11
12 By: /s/ Daniel Miller
13 DANIEL MILLER
14 Attorney for AIRPORT BUSINESS
15 CENTER

16 DATED: October 26, 2010

NIXON PEABODY LLP

17
18 By: /s/ Bruce E. Copeland
19 BRUCE E. COPELAND
20 Attorneys for CONSTELLATION WINES
21 U.S., INC.

22 I attest under penalty of perjury that concurrence in the filing of this document has been
23 obtained from Daniel Miller.

24 DATED: October 26, 2010

NIXON PEABODY LLP

25
26 By: /s/ Bruce E. Copeland
27 BRUCE E. COPELAND
28 Attorneys for Defendant
CASE NO. C10-03236 CONSTELLATION WINES U.S., INC.

PROOF OF SERVICE

CASE NAME: Airport Business Center v. Constellation Wines U.S., Inc.
COURT: USDC N. DIST CA
CASE NO.: C10-03236 JL

I, the undersigned, certify that I am employed in the City and County of San Francisco, CA; that I am over the age of eighteen years and not a party to the within action; and that my business address is One Embarcadero Center, 18th Fl., S.F., CA 94111-3600. On this date, I served the following document(s):

Stipulation of Dismissal with Prejudice – Federal Rules of Civil Procedure Rule 41(a)(1)

on the parties stated below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

X: By First-Class Mail — I am readily familiar with the firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in San Francisco, CA, for mailing to the office of the addressee following ordinary business practices.

____: By Personal Service — I caused each such envelope to be given to a courier messenger to personally deliver to the office of the addressee.

____: By Overnight Courier — I caused each such envelope to be given to an overnight mail service at San Francisco, CA, to be hand delivered to the office of the addressee on the next business day.

____: By Facsimile — From facsimile number 415-984-8300, I caused each such document to be transmitted by facsimile machine, to the parties and numbers listed below, pursuant to Rule 2008. The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine.

Addressee(s)

<p>Brian D. Shaffer Miller Starr Regalia 1331 N. California Blvd., 5th Fl. Walnut Creek, CA 94596</p>	<p>Attorneys for plaintiff Airport Business Center Tel: 925-935-9400 Fax: 925-933-4126 Email: daniel.miller@msrlegal.com Email: brian.shaffer@msrlegal.com</p>
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I declare under penalty of perjury that the foregoing is true and correct. Executed on October 27, 2010, at San Francisco, California.

/s/ John Zic

John Zic